APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,871	08/01/2003	Naoshi Kobuya	SONYJP 3.0-319	4649

530   7590   09/09/2005

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER
TO, TUAN C

ART UNIT	PAPER NUMBER
3663	

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	**Applicant(s)**
Office Action Summary	10/632,871	KOBUYA ET AL.
	Examiner	**Art Unit**	
	Tuan C. To	3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 August 2003 and 11 August 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-25</u> is/are pending in the application.

    4a) Of the above claim(s) <u>1, 5-7, and 14-25</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>2-4 and 8-13</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>01 August 2003 and 28 November 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because the bottom of the

proposed abstract contains the unknown text, "4405681 .DOC". Correction is

required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 2, 4, 8, 10, and 11 are rejected under 35 U.S.C. 102(a) as being

anticipated by Ueda et al. (US 20020184200A1).

With respect to claim 2, Ueda et al. has been cited as teaching a mobile

communication terminal (1) for communicating with content server (4) in order to

generate guide contents from a particular searched area (Ueda et al., page 8,

paragraph 0132; page 6, paragraph 0243). The communication means (13) of

the mobile communication terminal (1) is described as an information acquisition

means for acquiring combination of information on information source and

location-based information (contents information) (Ueda et al., page 3, paragraph 0043; page 16, paragraph 0243; page 9, paragraph 0143). As set forth in page 4, paragraph 005, "the communication terminal (1) can perform a procedure for specifying the search-target area or data calculation relatively easily by specifying the range to be searched by the center position", thus, the communication terminal (1) inherently includes a means for narrowing down the data receiver from the content server (4). The mobile communication terminal (1) also includes a processing unit (10) that communicates with the communication means (13) for generating guide contents based on the information source and the location-based information, specifically the information based on the searched target area, received from the content server (4) (Ueda et al., figure 3; paragraphs 0053 and 0054). In addition, in figure 3, there is a display unit (17) represented as an output means for outputting the generated guide contents received from the server (4) (Ueda et al, page 8, paragraph 0132).

With regard to claim 4, Ueda et al. disclose the following: "user information acquisition means for acquiring user information created by a user, wherein said guide contents generating means generates the guide contents by relating the acquired user information with the site information" (Ueda et al, paragraph 0134). As set forth in paragraph 0134, the user information such as user ID and password are created by a user has been asked to input via an input screen after a request of static search from a party (for example, from the mobile communication terminal (1)). If the user ID and password are matched with the user data file, the user is authenticated. Thus, the processing unit of the mobile

terminal (1), as represented above, inherently generates the guide contents by relating the acquired user information with the site information.

With respect to claim 8, Ueda et al. has been cited as teaching a mobile communication terminal (1) for communicating with content server (4) for generating guide contents from a particular searched area (Ueda et al., page 8, paragraph 0132; page 6, paragraph 0243). The communication means (13) of the mobile communication terminal (1) is described as an information acquisition means for acquiring combination of information on information source and location-based information (contents information) (Ueda et al., page 3, paragraph 0043; page 16, paragraph 0243; page 9, paragraph 0143). As set forth in page 4, paragraph 005, "the communication terminal (1) can perform a procedure for specifying the search-target area or data calculation relatively easily by specifying the range to be searched by the center position", thus, the communication terminal (1) inherently includes a means for narrowing down the data receiver from the content server (4). The mobile communication terminal (1) also includes a processing unit (10) that communicates with the communication means (13) for generating guide contents based on the information source and the location-based information, specifically the information based on the searched target area, received from the content server (4) (Ueda et al., figure 3; paragraphs 0053 and 0054). In addition, in figure 3, there is a display unit (17) represented as an output means for outputting the generated guide contents received from the server (4) (Ueda et al, page 8, paragraph 0132).

With regard to claim 10, Ueda et al. disclose the following: "user information acquisition means for acquiring user information created by a user, wherein said guide contents generating means generates the guide contents by relating the acquired user information with the site information" (Ueda et al, paragraph 0134). As set forth in paragraph 0134, the user information such as user ID and password are created by a user has been asked to input via an input screen after a request of static search from a party (for example, from the mobile communication terminal (1)). If the user ID and password are matched with the user data file, the user is authenticated. Thus, the processing unit of the mobile terminal (1), as represented above, inherently generates the guide contents by relating the acquired user information with the site information.

With respect to claim 11, Ueda et al. has been cited as teaching a mobile communication terminal (1) for communicating with content server (4) for generating guide contents from a particular searched area (Ueda et al., page 8, paragraph 0132; page 6, paragraph 0243). The communication means (13) of the mobile communication terminal (1) is described as an information acquisition means for acquiring combination of information on information source and location-based information (contents information) (Ueda et al., page 3, paragraph 0043; page 16, paragraph 0243; page 9, paragraph 0143). As set forth in page 4, paragraph 005, "the communication terminal (1) can perform a procedure for specifying the search-target area or data calculation relatively easily by specifying the range to be searched by the center position", thus, the communication terminal (1) inherently includes a means for narrowing down the

data receiver from the content server (4). The mobile communication terminal (1) also includes a processing unit (10) that communicates with the communication means (13) for generating guide contents based on the information source and the location-based information, specifically the information based on the searched target area, received from the content server (4) (Ueda et al., figure 3; paragraphs 0053 and 0054). In addition, in figure 3, there is a display unit (17) represented as an output means for outputting the generated guide contents received from the server (4) (Ueda et al, page 8, paragraph 0132).

Claims 3, 9, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. (US 20020184200A1) and in view of Muramatsu (US 6868337B2).

With respect to claims 3 and 9, as represented above, Ueda et al. has been cited as teachings the limitations as recited in claim 2. Ueda et al. further teach "the site information includes site positional informational" (Ueda et al., paragraph 0143, line 14)

Ueda et al. do not disclose for the following: "guide contents generating means generates the guide contents using map data, the map data including positional information on a map for each site, said guide contents generating means laying out and displaying the site information on the map by matching the site positional information to the positional information on the map".

The secondary reference to Muramatsu teaches a navigation system to overcome the missing features from Ueda et al. In Muramatsu, the mobile terminal is a cellular phone (1) issues a navigation request via the Internet (40)

by which the navigation server (50) provides the navigation service. According to

the present position of the cellular phone (latitude and longitude information), a

map including the present position of said cellular phone to a prescribed shop or

destination has been retrieved from database (80) (Muramatsu, column 4, lines

50-58). It should be noted that the processing unit (100) of cellular phone (1) is

inherently executing program instructions for the performance of laying out and

displaying the prescribed shop's location and current location of said cellular

phone on the map is possible.

It would have been obvious to one having ordinary skill in the art at the

time the invention was made to modify the system of Ueda et al. to include the

teachings as taught by Muramatsu to gain advantage therefore (i.e., a limited

area of the map is displayed and thus saving space for the memory of a

communication mobile terminal).

With regard to claim 12 and 13, Ueda et al. address the limitations as

recited in claim 11 except for the step of "displaying step displays the site

information on the map using an icon corresponding to the site information".

The reference to Muramatsu has been provided as disclosing a navigation

system including a display device for displaying a site information on a map using

an icon, for instant, the Shop Apple is displayed by the Icon 1 (Muramatsu, figure

10). While patent drawings are not drawn to scale, relationships clearly shown in

the drawings of a reference patent cannot be disregarded in determining the

patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ

25 (1972).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Ueda et al. to include the teachings as taught by Muramatsu to gain advantage therefore (i.e., one user is able to predict a remaining time and distance from his (her) current position to a selected destination while traveling to said destination).

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
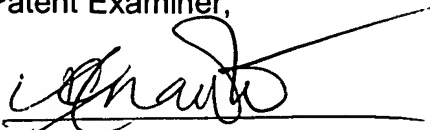
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner,

Tuan C To

Date: 09/05/2005